

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YAD ITERAM BRALINE, LLC,

Plaintiff,

v.

YAAKOV KLUGMANN,

Defendant.

Civ. No. 25-cv-00467

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Yaakov Klugmann hereby removes this action from the Supreme Court of the State of New York, County of New York (the “State Court”) to the United States District Court for the Southern District of New York. In support of this notice, Defendant states as follows:

1. Plaintiff initiated this civil action—*YAD Iteram Braline, LLC v. Yaakov Klugmann* (Index No. 659415/2024) (the “State Court Action”)—in the State Court on or about December 3, 2024 by filing a Summons and a Notice of Motion for Summary Judgment in Lieu of Complaint along with accompanying papers (the “Summary Judgment Motion”).

2. Pursuant to a stipulation between Plaintiff and Defendant, Defendant agreed to accept service of process through counsel on December 17, 2024.

3. Removal is timely, pursuant to 28 U.S.C. § 1446(b), because this notice is filed within thirty days after the first receipt by Defendant, through service, of the Summons and Summary Judgment Motion.

4. Venue is proper in this Court, under 28 U.S.C. § 1441(a), because the Southern District of New York is the district embracing the State Court.

5. Removal is proper, under 28 U.S.C. § 1441(a), because this Court has original jurisdiction over this action under 28 U.S.C. § 1332(a), as set forth below.

6. The matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, as appears from the assertions contained in Plaintiff's Summary Judgment Motion, which seeks, among other things, "judgment in Plaintiff's favor and against [Defendant] in the amount of \$32,067,317.89" based on Defendant's alleged liability to Plaintiff under a loan guaranty. *See* Mem. Law Supp. Pl.'s Mot. Summ. J. at 11 (filed in State Court Action as Doc. 17 and attached hereto within Ex. A pt. 6 at PDF pg. 16).

7. Plaintiff and Defendant are, upon information and belief, citizens of different states.

8. Defendant is an individual who is domiciled in, and a citizen of, New Jersey.

9. Plaintiff is a limited liability company whose sole member, according to an affidavit filed by Plaintiff with its Summary Judgment Motion, is YAD Realty Manager LLC, a limited liability company whose sole member is YAD Capital LLC. *See* Aff. D. Rubin ¶ 1 (filed in State Court Action as Doc. 3 and attached hereto within Ex. A pt. 1 at PDF pg. 7). YAD Capital LLC's sole members are, upon information and belief, Daniel Rubin and David Perez. Daniel Rubin is an individual who, upon information and belief, is domiciled in, and a citizen of, New York. David Perez is an individual who, upon information and belief, is domiciled in, and a citizen of, Florida. Thus, Plaintiff is, upon information and belief, a citizen of New York and Florida and is not a citizen of New Jersey.

10. Pursuant to 28 U.S.C. § 1446(a), "a copy of all process, pleadings, and orders served" on Defendant, along with a copy of the State Court docket sheet, are attached hereto as Exhibit A (divided among six parts due to file size).

11. Defendant will give written notice of the filing of this notice to Plaintiff, as required by 28 U.S.C. § 1446(d).

12. Defendants will file a copy of this notice with the Clerk of the State Court, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant removes this action from the State Court to this Court.

Dated: January 16, 2025
New York, New York

/s/ Kevin J. O'Brien
Israel Dahan
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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that, on January 16, 2025, I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which serves the registered parties via the CM/ECF system on counsel of record. I hereby further certify that I caused the foregoing to be served by email upon the following parties:

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Counsel for Plaintiff

Dated: January 16, 2025

/s/ Kevin J. O'Brien
Kevin J. O'Brien